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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Joint written statement submitted by the Friends World Committee for Consultation, Caritas Internationalis and the Commission of the Churches on International Affairs of the World Council of Churches, non-governmental organizations in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 March 1996]

Internally displaced persons

1. The increasing number of internally displaced persons throughout the world is deeply disturbing. Many lose their lives. Forced displacement also breaks up families, cuts important community ties, terminates stable employment, precludes or forecloses formal education opportunities, and deprives vulnerable groups within the society of vital services. The international community must strengthen its efforts to provide assistance and protection to the displaced. The best method of preventing displacement is the strict observance and full realization of all human rights for everyone.

2. At its fifty-first session, the United Nations Commission on Human Rights adopted, without a vote, resolution 1995/57 entitled "Internally displaced persons". 1/ The resolution commended the work of the representative of the Secretary-General, welcomed his catalytic role in raising awareness, and extended the mandate for a further three years.

3. The resolution also encouraged the representative to continue his review of the need for protection of and assistance to internally displaced persons, and in particular his compilation and analysis of existing rules and norms. We welcome the completion of this Compilation, issued as document E/CN.4/1996/52/Add.2, dated 5 December 1995.

4. The Compilation concludes that while existing law covers many aspects of particular relevance to internally displaced persons, there remain areas in which the law fails to provide sufficient protection or is ambiguous. In particular, it underscores the need to restate general principles of protection in more specific detail, and to address clear protection gaps in a future international instrument.

5. Existing standards provide significant protection to internally displaced persons. The problem lies primarily in "the unwillingness of States, and/or in non-international conflicts of dissident forces, to observe binding principles". To address this problem, the next step should be the production of a compact and usable body of principles presently applicable to internally displaced persons. In effect, this would be a synthesis of the Compilation, stressing both the universally recognized rights and those of special relevance to internally displaced persons.

6. Concerning the legal protection gaps which exist, the representative should be encouraged to outline the potential form and content of additional legal standards. In this regard, the representative should continue his discussions with the Inter-Agency Task Force on Internally Displaced Persons (convened by the Department of Humanitarian Affairs), the International Committee of the Red Cross, non-governmental organizations and other relevant agencies.

7. In addressing both the root causes of internal displacement and long-term solutions (pursuant to resolution 1995/57, para. 4), particular attention should be given to the gap in legal protection for the property-related needs of the internally displaced. While the right to property is mainly protected by regional human rights conventions and by humanitarian law, there should be a clear recognition of the right to restitution of property lost as a consequence of displacement, or to compensation for its loss.

8. We commend the Government of Peru for inviting the representative and facilitating his visit in August 1995, thus continuing to focus attention on the plight of the internally displaced in particular situations (see E/CN.4/1996/52/Add.1, dated 4 January 1996). More Governments should invite the representative to visit their countries. The single visit during all of 1995 was insufficient.

9. The Governments of the countries visited by the representative to date are urged to act on his recommendations and, in accordance with resolution 1995/57, to inform him of measures taken. Measures undertaken at a national level are of utmost importance and such information should be made publicly available.

10. The High Commissioner for Human Rights, together with the United Nations High Commissioner for Refugees, the United Nations Development Programme, and other relevant agencies, in cooperation with the representative, should ensure that there is appropriate follow-up to the visits made by the representative, and that measures undertaken are adequate.

11. The severely restricted resources provided for the work of the representative remains a matter of great concern. The acknowledgement and appreciation of the importance of the work the representative has done to date must be reinforced with the provision of adequate means. In particular, resources will be required to produce a compact and usable body of principles, to undertake future visits, and to ensure appropriate follow-up.

12. We urge the Commission on Human Rights to:

(a) Welcome the **Compilation and analysis of legal norms** submitted by the representative of the Secretary-General (E/CN.4/1996/52/Add.2, dated 5 December 1995).

(b) Recognize the fact that **existing standards can provide significant protection** to internally displaced persons and that inadequate protection is primarily a result of the unwillingness to observe binding obligations.

(c) Recommend as the next step the **production of a compact and usable body of principles** applicable to internally displaced persons, based on the findings of the Compilation.

(d) Ask the representative to give further consideration to the **question of new international standards** to fill the legal gaps which exist.

(e) Recognize the **right to restitution of property** lost as a consequence of displacement, or to **compensation** for its loss, in light of the connection between property issues, root causes of internal conflict and long-term solutions.

(f) Urge Governments to **invite the representative to visit** their countries, and encourage Governments of those States visited by the representative to **make information publicly available** on subsequent measures undertaken at a national level.

(g) Request the High Commissioner for Human Rights, in cooperation with other relevant agencies, to **ensure that there is appropriate follow-up** to the visits made by the representative.

(h) Recommend a **significant increase in the resources available** for the work of the representative of the Secretary-General.

Note

1/ Introduced by Austria, co-sponsored by Argentina, Australia, Austria, Bulgaria, Canada, Colombia, Costa Rica, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, the Netherlands, Nicaragua, Norway, Peru, Portugal, the Republic of Korea, the Russian Federation, Switzerland, Sweden, the United States of America, and Uruguay.